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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/737,019 | 12/16/2003 | Charles M. Mettler | PSSIP0115US | 5594 |
| 23908 | 7590 | 04/05/2006 | EXAMINER | |
| RENNER OTTO BOISSELLE & SKLAR, LLP | | | STERLING, AMY JO | |
| 1621 EUCLID AVENUE | | | ART UNIT | |
| NINETEENTH FLOOR | | | PAPER NUMBER | |
| CLEVELAND, OH 44115 | | | 3632 | |

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/737,019 | Applicant(s) METTLER ET AL. | |
| | Examiner Amy J. Sterling | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,11-20,22-25,27-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6,8,11-20,22-25,27,28 and 35-37 is/are allowed.
- 6) ☒ Claim(s) 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 32-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the **Final Office Action** for application number 10/737,019 Base Support for Post or Other Upright, filed on 12/16/03. Claims 1-6, 8, 11-20, 22-25, 27-30 and 32-37 are pending. This **Final Office Action** is in response to applicant's reply dated 1/27/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

Claims 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6041559 to Schickert et al.

Schickert et al. teaches a base support having spaced apart top and bottom walls and opposite side walls and a substantially square mounting hole extending through the base member between the top and bottom walls. The mounting hole having a plurality of laterally spaced longitudinally extending ribs (46) having axially rounded end portions adjacent to the top wall on all four sides of the mounting hole that are transversely rounded.

Response to Arguments

The applicant has argued that the Schickert et al. reference does not teach longitudinal extending ribs on all four sides of a substantially square mounting hole that are transversely rounded for establishing line contact with a similar shape. This is unpersuasive in that the ribs are easily shown to be longitudinally extending, transversely rounded near the top of the hole and establish the line contact in the same manner at the ribs of the present invention.

Allowable Subject Matter

Claims 1-6, 8, 11-20, 22-25, 27, 28 and 35-37 are allowed.

Claims 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regards to claims 1-6, 8, 11-20 and 22, the prior art does not teach wherein the mounting hole has a maximum width in the length of the base member and the width is less than the intermediate length of the other side wall and extends widthwise outwardly beyond the end lengths of the other side wall.

With regards to claims 23-25, 27 and 28 the reason is that the prior art does not teach wherein the mounting hole is substantially square shaped with four sides extending through the intermediate width of the base member.

With regards to claims 35-37, the reason is that the prior art does not teach wherein the mounting hole is substantially square shaped with four sides extending

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through the intermediate width of the base member and has longitudinally extending ribs on all four sides and that the carrying handle extends axially from the exterior of one end portion of the intermediate length of the of the other side wall and along an exterior portion of one of the end length of the other side wall.

With regards to claims 32-34, the reason is that the prior art does not teach wherein the base member is substantially hollow and has a fill hole in one of the angled surfaces of the top wall adjacent one end or wherein one of the top and bottom walls has a plurality of axially spaced apart stacking ribs and the top and bottom walls has corresponding recesses or wherein the base member has solid opposite end portions that are substantially thinner than an intermediate length of the base member having anti-skid pads having a diameter greater than the width of the end portions and are attached to a the bottom wall at the end portions.

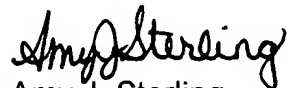
Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

A handwritten signature in black ink, appearing to read "Amy J. Sterling". The signature is fluid and cursive, with the first name "Amy" and last name "Sterling" clearly distinguishable.

Amy J. Sterling
3/30/06